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lateral side of said absorbent core member and having a terminal end on said lower lateral side, and a fourth elasticized diagonal side connecting the terminal end on said right longitudinal side to the terminal end on said lower lateral side thereby forming a fourth retaining enclosure between said fourth elasticized barrier layer and said fourth portion of said absorbent core member.

27. An integral disposable elasticized absorbent article as in claim 27 wherein the diagonal side of said first elasticized barrier layer intersects the diagonal side of said third elasticized barrier layer to form a first dual barrier layer, and the diagonal side of said second elasticized barrier layer intersects the diagonal side of said fourth elasticized barrier layer to form a second dual barrier layer.

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#### **REMARKS**

All the claims in this application have been cancelled, without prejudice, and new claims 17-27 have been added. The amended claims are clearly distinguishable over the United States Patent No. 4,704,116 issued on November 3, 1989 to Kenneth M. Enloe ("Enloe"). For reasons discussed below, newly added claims are neither anticipated by Enloe nor are they obvious thereover.

It must also be added that the new claims do not introduce new matter.

#### **Rejection Of Claims Under 35 U.S.C. 112**

It is believed that newly added claims 17-27 are in compliance with the requirements of 35 U.S.C. 112 and that the objections to the claims, which have now been cancelled, are inapplicable to the new claims.

**Rejection Under 35 U.S.C. 102**

It is submitted that the rejection over Enloe is inapplicable to the newly added claims. These claims, i.e., claims 17-27, inclusive, define an absorbent article which is not anticipated by Enloe since, as stated below, the present claims define an absorbent article having retaining enclosure(s) which are structurally different from the cited reference. It must be additionally noted that the new claims define an absorbent article having retaining enclosure(s) which are not obvious from, nor is it suggested by the disclosure of Enloe. The structural differences are apparent from comparison of the structure defined by the present claims with the structures shown by Enloe such as in figure 8 of this reference which has been relied on by the examiner in the Action.

First, it must be noted that the formation of the "pockets" in Enloe requires three points of attachment. This results in rectangular pockets as described, for example in the specification, column 5, lines 38-43 and illustrated in figure 5 of this application. This structure is further shown in figure 8 of Enloe. In contrast, the retaining enclosure of the present invention requires only two attachment points with the diagonal elasticized barrier connected to these two points to form a generally triangular retaining enclosure as defined by claim 17 which claims a single retaining enclosure, and claim 21 which defines two triangular retaining enclosures (see Figure 25 of the drawings in the present application).

The retaining enclosures defined by claim 25 (illustrated in Figure 20) are even more distinguishable from the Enloe disclosure which, incidentally, does not disclose or show intersecting elasticized barrier layers, and hence no dual layer barrier is formed or can be formed by Enloe.

Claim 26 defines another embodiment of the present invention which comprises four retaining enclosures, and four dual barrier layers formed by the intersecting elasticized barriers as shown in Figure 1, 8 and 14. This embodiment is also clearly distinguishable from Enloe.

In sum, in view of the foregoing amendment and the aforementioned differences between the presently claimed invention and diapers disclosed by Enloe, claims 17-27 are neither anticipated by Enloe nor are they obvious from Enloe's disclosure.

The requirement for correction of drawings has been noted but it is requested that compliance with this requirement be held in abeyance pending allowance of this application.

A check in the amount of \$462.00 is enclosed to cover the fee for presentation of additional 4 independent claims and 7 claims in excess of 20 in this amendment.

Respectfully submitted,



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**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. 1.8(a)**

It is hereby certified that the within Amendment and check for \$462.00 are being deposited with the United States Postal Service in a postage prepaid envelope, first-class mail, addressed to Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231 on this 23<sup>rd</sup> day of October, 2001.

Nancy Soto  
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